U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RCC FILE NUMBER: D-17182 PROJECT LOCATION INFORMATION: Texas State: County: Refugio Center coordinates of site (latitude/longitude): W28 11 10.32, N97 12 56.52; W28 11 17.76, N97 12 55.08; W28 11 21.48, N97 12 45.36 Approximate size of area (parcel) reviewed, including uplands: .41 acres. Name of nearest waterway: Mission River Name of watershed: Mission River JURISDICTIONAL DETERMINATION Date: 7 October 2005 Completed: Desktop determination Site visit(s) Date(s): Jurisdictional Determination (JD): Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or)} \subseteq \text{there appear to be no "waters of the no"} \) United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD − An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: ☑ There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: .14. There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [1] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

(4) Impoundments of waters otherwise defined as waters of the US.(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

FILE NUMBER: D-17182

Lat ⊠	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: ☐ clear, natural line impressed on the bank ☐ the presence of litter and debris ☐ changes in the character of soil ☐ destruction of terrestrial vegetation ☐ shelving ☐ other: ☐ tide Line indicated by: ☐ oil or scum line along shore objects ☐ fine shell or debris deposits (foreshore) ☐ physical markings/characteristics ☐ tidal gages ☐ other:
[3]	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Entrix
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
DATA F	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Mission Bay Quad U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Autural Resources Conservation Service Soil Survey: Refugio County National wetlands inventory maps: Mission Bay Quad State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Refugio TX, Google 2005 Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Galveston 14392(05)/1982 FILE NUMBER: PROJECT LOCATION INFORMATION: Texas State: County: Cameron Center coordinates of site (latitude/longitude): 26 07 36.5797; 97 10 25.2323 Approximate size of area (parcel) reviewed, including uplands: <u>0.2 acre.</u> Name of nearest waterway: Laguna Madre Name of watershed: South Laguna Madre JURISDICTIONAL DETERMINATION Date: 3 October 2005 Completed: Desktop determination Site visit(s) Date(s): Jurisdictional Determination (JD): Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or)} \subseteq \text{there appear to be no "waters of the appear to be no"} \) United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: ☑ There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.005 acre. There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: _____. There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Project located on tidal waters of Laguna Madre.

REVISED 7 SEP 04

FILE NUMBER: 14392(05)/1982

	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: □ other: □ Tide Line indicated by: □ oil or scum line along shore objects □ fine shell or debris deposits (foreshore) □ physical markings/characteristics □ tidal gages □ other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Infrared color aerial photo shows channelized feature surrounded by upland area and above FEMA flood plain. Other (explain):
\boxtimes	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated prepared by (company): This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic map: Port Isabel NW, Texas. U.S. Geological Survey 1.5 Minute Historic quadrangles: U.S. Dealogical Survey 1.5 Minute Historic quadrangles: U.S. Geological Survey 1.5 Minute Historic quadrangles:

^TWetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Galveston 23942 FILE NUMBER: PROJECT LOCATION INFORMATION: Texas State: County: Cameron Center coordinates of site (latitude/longitude): 28 04 41.5139; 97 02 14.7572 Approximate size of area (parcel) reviewed, including uplands: 0.2 acre. Name of nearest waterway: Aransas Bay Name of watershed: Aransas Bay JURISDICTIONAL DETERMINATION Date: 12 October 2005 Completed: Desktop determination Site visit(s) Date(s): Jurisdictional Determination (JD): Preliminary JD - Based on available information, \(\square \) there appear to be (or) \(\square \) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: ☑ There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.108 acre. There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: _____. There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [1] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) - (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Project located on tidal waters of Aransas Bay.

REVISED 7 SEP 04 FILE NUMBER: 23942

Late	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: □ tidal gages □ other:
\boxtimes	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	is For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Infrared color aerial photo shows channelized feature surrounded by upland area and above FEMA flood plain. Other (explain):
	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated prepared by (company): This office does not concur with the delineation report, dated, prepared by (company): This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic map: Rockport, Texas. U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Autural Resources Conservation Service Soil Survey: National wetlands inventory map: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): USDA, 1995; NEI, 2005 Other photographs (Date): Applicant, 2005 Advanced Identification Wetland maps: Site visit/determination conducted on: (Date) Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Galveston 14392(05)/1981 FILE NUMBER: PROJECT LOCATION INFORMATION: Texas State: Cameron County: Center coordinates of site (latitude/longitude): 26 07 36.5797; 97 10 25.2323 Approximate size of area (parcel) reviewed, including uplands: 0.2 acre. Name of nearest waterway: Laguna Madre Name of watershed: South Laguna Madre JURISDICTIONAL DETERMINATION Date: 3 October 2005 Completed: Desktop determination Date(s): Site visit(s) Jurisdictional Determination (JD): Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or)} \subseteq \text{there appear to be no "waters of the appear to be no"} \) United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: ☑ There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: <u>0.013 acre.</u> There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: _____. There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. [(iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) - (4) above. (6) The presence of territorial seas. [7] The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Project located on tidal waters of Laguna Madre.

REVISED 7 SEP 04

FILE NUMBER: 14392(05)/1981

	Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving ordinary High Water Mark indicated by: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
\boxtimes	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Infrared color aerial photo shows channelized feature surrounded by upland area and above FEMA flood plain. Other (explain):
\boxtimes	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated prepared by (company): This office does not concur with the delineation report, dated prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 1.5 Minute Topographic map: Port Isabel NW, Texas. U.S. Geological Survey 1.5 Minute Historic quadrangles: U.S. Geological Survey 1.5 Minute Historic quadrangles: U.S. Geological Survey 1.5 Minute Historic quadrangles: U.S. Actual Resources Conservation Service Soil Survey: National wetlands inventory map: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): USDA, 1995; TxGLO, 2005 Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: (Date) Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Galveston District

FILE NUMBER: D-17685

PROJEC	CT LOCATIO	N INFORMATION:		
Stat Cou Cen App Nan	e: Texa inty: Cam ter coordinates proximate size o	as neron of site (latitude/longitude of area (parcel) reviewed, aterway: Arroyo Colorad	including	26-9-31.86 97-42-51.67 uplands: approx. 26.18 acres.
JURISD Cor	npleted: Desl	ETERMINATION ktop determination visit(s)		Date: 11 October 2005 Date(s):
Jur	isdictional Det	ermination (JD):		
į.	United States'	O - Based on available in ' and/or "navigable water CFR part 331).	formation s of the U	, ☐ there appear to be (or) ☐ there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable
\boxtimes	Approved JD Check all that		appealable	action (Reference 33 CFR part 331).
	☐ There are the reviewed a	"navigable waters of the area. Approximate size of	United State of jurisdict	ates" (as defined by 33 CFR part 329 and associated guidance) within ional area: 0.25 acre.
	☐ There are reviewed area	"waters of the United Sta Approximate size of ju	ates" (as o	lefined by 33 CFR part 328 and associated guidance) within the al area: 0.36 acre.
	There are	"isolated, non-navigable Decision supported Jurisdiction.	e, intra-sta d by SWA	ate waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No.
BASIS (Waters define The presence	of waters that are subject	329 as "na to the ebb	avigable waters of the United States": o and flow of the tide and/or are presently used, or have been used in out interstate or foreign commerce.
B. ⊠ □□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□	(1) The prese interstate or f (2) The prese (3) The prese sandflats, weld destruction of (ii) which (iii) from (iii) which (4) Impoundr (5) The prese (6) The prese	nce of waters, which are oreign commerce, includence of interstate waters in nce of other waters such tlands, sloughs, prairie pof which could affect internate or could be used by which fish or shellfish and the are or could be used forments of waters otherwise once of a tributary to a waters of territorial seas.	currently ing all wancluding in as intrasta otholes, we state comminterstate re or could or industrice defined atter identification.	te lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. It be taken and sold in interstate or foreign commerce. In purposes by industries in interstate commerce. In swaters of the US.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Project will cross the Arroyo Colorado beyond the section of the river that is considered navigable however this section of the river is still subject to Section 404 regulation.

	FILE NUMBER: D-1768
	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: ☐ clear, natural line impressed on the bank ☐ the presence of litter and debris ☐ changes in the character of soil ☐ destruction of terrestrial vegetation ☐ shelving ☐ other: ☐ tidal gages ☐ other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:Other (explain):
DATA I	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Harlingen U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Harlingen State/Local wetland inventory maps: Harlingen State/Local wetland inventory maps: Cameron County, Community Panel 480101 0150 B September 15, 1983 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** D-17709

PRO	JEC	CT LOCATION INFORMATION	:	
	State	_		
	Cou	nty: Fort Bend		
	Cent	ter coordinates of site (latitude/long	itude):	Latitude 29°35'09"N; Longitude -95° 38' 23"W
	App	proximate size of area (parcel) review	ved, includi	ng uplands: acres.
	Nam	ne of nearest waterway: Ditch H, tri	butary to Br	azos River
		ne of watershed: Lower Brazos	Huc: 1207	0104
JUR	ISD	ICTIONAL DETERMINATION		
	Con	npleted: Desktop determination	\square	Date: 12 October 2005
		Site visit(s)		Date(s):
		` '		
	Juri	isdictional Determination (JD):		
	П	Preliminary JD - Based on availab	le information	on, \square there appear to be (or) \square there appear to be no "waters of the
	Samuel .	United States" and/or "navigable v	vaters of the	United States" on the project site. A preliminary JD is not appealable
		(Reference 33 CFR part 331).		
		(ttoronomous series parameter)		
	\boxtimes	Approved JD - An approved JD is	an appealal	ole action (Reference 33 CFR part 331).
		Check all that apply:		
		■ There are "navigable waters of	the United	States" (as defined by 33 CFR part 329 and associated guidance) within
		the reviewed area. Approximate s	ize of jurisd	ictional area: .
		▼ There are "waters of the Unite	d States" (a	s defined by 33 CFR part 328 and associated guidance) within the
		reviewed area. Approximate size	of jurisdiction	onal area: .
		There are "isolated, non-navig	able, intra-	state waters or wetlands" within the reviewed area.
			orted by SW	ANCC/Migratory Bird Rule Information Sheet for Determination of No
		Jurisdiction.		
BAS	SIS (OF JURISDICTIONAL DETERM	1INATION	· · · · · · · · · · · · · · · · · · ·
	<u>A.</u>	Waters defined under 33 CFR p	art 329 as "	navigable waters of the United States":
	Ш	The presence of waters that are su	bject to the o	bb and flow of the tide and/or are presently used, or have been used in
		the past, or may be susceptible for	use to trans	port interstate or foreign commerce.
	В.	Waters defined under 33 CFR p	art 328.3(a) as "waters of the United States":
	Ш	(1) The presence of waters, which	are currenti	y used, or were used in the past, or may be susceptible to use in
		interstate or foreign commerce, in	cluding all v	waters which are subject to the ebb and flow of the tide.
	H	(2) The presence of interstate water	ers including	g interstate wetlands.
		(3) The presence of other waters s	uch as inira:	state lakes, rivers, streams (including intermittent streams), mudflats, wet meadows, playa lakes, or natural ponds, the use, degradation or
		sandflats, wetlands, sloughs, prair	ie potnoies,	wet meadows, playa takes, of natural policis, the use, degradation of
		destruction of which could affect	interstate co	mmerce including any such waters (check all that apply):
		(1) which are or could be used	i by intersta	te or foreign travelers for recreational or other purposes.
		(11) from which fish or shellfi	sn are or co	uld be taken and sold in interstate or foreign commerce.
	,	(111) which are or could be us	ea for indus	trial purposes by industries in interstate commerce.
	띩	(4) Impoundments of waters other	wise define	u as waters of the U.S.
	M	(5) The presence of a tributary to		inica in (1) – (4) above.
	H	(6) The presence of territorial sea	S.	waters of the US except for those wetlands adjacent to other wetlands
	Ш	(/) The presence of wetlands adja	cent to other	er waters of the US, except for those wetlands adjacent to other wetlands

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Realigned Bulhead Bayou outfalls into Ditch "H", which drains into the Brazos River, a navigable water of the U.S. Therefore, these waters are only subject to Section 404 of the Clean Water Act (Section 404). Section 404 regulates the discharge of dredged or fill material into waters of the United States including adjacent wetlands.

FILE NUMBER: D-17709

	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: As shown on applicant's plans
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA I	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Sugarland, Texas U.S. Geological Survey 1.5 Minute Historic quadrangles: U.S. Geological Survey 1.5 Minu

¹Wetlands and identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 23793

	TA O CAMPANAN MARKANA	
	T LOCATION INFORMATION:	
Sta		
Co		ი 1-
Cei	er coordinates of site (latitude/longitude): Project Site: 28 56' 37" N, 95 19' 53"W (NAD 27), Disposal Area 85: 28 54' 57"N	a 1.
	N, 95 22' 07"W (NAD 27), Diposal Area 2-3: 28 55' 24"N, 95 19' 47"W (NAD 27), Disposal Area 85: 28 54' 57"N	, 93
	(NAD 27)	
	oximate size of area (parcel) reviewed, including uplands: 1190 acres.	
	e of nearest waterway: Brazos River, GIWW	
Nai	e of watershed: Lower Brazos, Austin-Oyster	
JURISI	CTIONAL DETERMINATION	
Co	pleted: Desktop determination	
	Site visit(s) Date(s):	
Jui	dictional Determination (JD):	
\boxtimes	Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the	
	United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealab	le
	(Reference 33 CFR part 331).	
	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331).	
	Check all that apply:	
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) with	hin
	the reviewed area. Approximate size of jurisdictional area: acres.	
	the reviewed area. Approximate size of jurisdictional area. acres.	
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the	
	reviewed area. Approximate size of jurisdictional area: acres.	
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.	
	Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of	: No
	Jurisdiction.	
BASIS	F JURISDICTIONAL DETERMINATION:	
	Waters defined under 33 CFR part 329 as "navigable waters of the United States":	
Ø	The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used	in
*******	the past, or may be susceptible for use to transport interstate or foreign commerce.	
В.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":	
X	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in	
	interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.	
. 🛮	(2) The presence of interstate waters including interstate wetlands ¹ .	
	3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats,	
	sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or	
	destruction of which could affect interstate commerce including any such waters (check all that apply):	
	(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.	
	(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.	
	(iii) which are or could be used for industrial purposes by industries in interstate commerce.	
	(4) Impoundments of waters otherwise defined as waters of the US.	
0	(5) The presence of a tributary to a water identified in (1) – (4) above.	
	(6) The presence of territorial good	

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The Brazos River is a navigable water of the United States. The desk review indicates there are wetlands adjacent to the Brazos River and possibly the Gulf Intracoastal Waterway (GIWW) located within the proposed project area. These wetlands are contiguous with the Brazos River and/or located within the 100 year floodzone.

(7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

FILE NUMBER: 23793

	La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)					
	\boxtimes	Ordinary High Water Mark indicated by: High Tide Line indicated by:					
		clear, natural line impressed on the bank oil or scum line along shore objects					
		the presence of litter and debris fine shell or debris deposits (foreshore)					
		changes in the character of soil physical markings/characteristics					
		destruction of terrestrial vegetation					
		shelving					
		other: 11 Oct 2005 Project Plans					
		Marie III al Way Marie Programme					
	Ш	Mean High Water Mark indicated by:					
		survey to available datum; physical markings; vegetation lines/changes in vegetation types.					
		Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:					
	_						
		is For Not Asserting Jurisdiction:					
		The reviewed area consists entirely of uplands.					
	B	Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).					
		Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).					
		The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:					
		Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.					
		Artificially irrigated areas, which would revert to upland if the irrigation ceased.					
		Artificial lakes and ponds created by excavating and/or diking dry land to collect and					
		retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or					
		rice growing.					
		Artificial reflecting or swimming pools or other small ornamental bodies of water created					
		by excavating and/or diking dry land to retain water for primarily aesthetic reasons.					
		Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for					
		the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is					
		abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR					
		328.3(a).					
		Isolated, intrastate wetland with no nexus to interstate commerce.					
		Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:					
		Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:					
		Other (explain):					
DAT	'A R	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):					
		Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company):					
	M	Data sheets prepared/submitted by or on behalf of the applicant.					
		This office concurs with the delineation report, dated prepared by (company):					
		This office does not concur with the delineation report, dated 10 May 2005, prepared by (company): Berg Oliver Data sheets prepared by the Corps.					
	Ħ	Corps' navigable waters' studies:					
	Ī	U.S. Geological Survey Hydrologic Atlas:					
	図	U.S. Geological Survey 7.5 Minute Topographic maps: 1974 Freeport					
		U.S. Geological Survey 7.5 Minute Historic quadrangles:					
		U.S. Geological Survey 15 Minute Historic quadrangles:					
	X	USDA Natural Resources Conservation Service Soil Survey: 1981 Brazoria County					
	X	National wetlands inventory maps: Freeport -digital based on 1992 photos					
		State/Local wetland inventory maps:					
	X	FEMA/FIRM maps (Map Name & Date): Brazoria County Q3 data (1992 or 1994)					
		100-year Floodplain Elevation is: (NGVD)					
	X	Aerial Photographs (Name & Date): TNRIS Freeport, Jones Creek 1995 DOQQ; TxGLO Upper Coast Block 9,10 2002					
	4	Other photographs (Date):					
	8	Advanced Identification Wetland maps:					
	3	Site visit/determination conducted on:					
		Applicable/supporting case law: Other information (please specify):					
		- morniamon preuse specity).					

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Galveston District

FILE NUMBER: 23923

PRO.I	ECT	LOCAT	ION I	INFO	RMA	TION:
-------	-----	-------	-------	------	-----	-------

State:

Texas

County:

Harris Center coordinates of site (latitude/longitude):

29-32-42 / 3270010

Approximate size of area (parcel) reviewed, including uplands: 0.016 acres.

Name of nearest waterway: Clear Lake Name of watershed:

Clear Creek

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 12 Oct 2005

Date(s):

Jurisdictional Determination (JD):

	Preliminary JD - Based on available information, \(\square there appear to be \) (or) \(\subseteq there appear to be no "waters of the the there appear to be no "waters of the the the there appear to be no "waters of the there appear to be no "waters of the the there appear to be no "waters of the the the there appear to be no "waters of the the the there appear to be no "waters of the the there appear to
A	United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
	(Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.016 acres.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: 23923

	ateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and	
<u>u</u>	Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank	High Tide Line indicated by: oil or scum line along shore objects
	the presence of litter and debris	fine shell or debris deposits (foreshore)
	changes in the character of soil	physical markings/characteristics
	destruction of terrestrial vegetation	☑ tidal gages
	shelving	other:
	other:	
	Mean High Water Mark indicated by:	
	survey to available datum; physical markings; vegeta	ation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineat	ion map and/or in a delineation report prepared by:
Bas	asis For Not Asserting Jurisdiction:	
	The reviewed area consists entirely of uplands.	
	Unable to confirm the presence of waters in 33 CFR part 328(a)	(1, 2, or 4-7).
	Headquarters declined to approve jurisdiction on the basis of 33	CFR part 328.3(a)(3).
	The Corps has made a case-specific determination that the follo United States:	wing waters present on the site are not Waters of the
	Waste treatment systems, including treatment ponds or l	agoons nursuant to 33 CFD part 228 2
	Artificially irrigated areas, which would revert to upland	if the irrigation ceased.
	Artificial lakes and ponds created by excavating and/or of	liking dry land to collect and
	retain water and which are used exclusively for such pur	poses as stock watering, irrigation, settling basins, or
	rice growing. Artificial reflecting or swimming pools or other small or	mannantal badia a Caratan ana ta 1
	Artificial reflecting or swimming pools or other small or by excavating and/or diking dry land to retain water for p	namental bodies of water created
	Water-filled depressions created in dry land incidental to	construction activity and pits excavated in dry land for
	the purpose of obtaining fill, sand, or gravel unless and u abandoned and the resulting body of water meets the def	ntil the construction or excavation operation is
	328.3(a). Isolated, intrastate wetland with no nexus to interstate co	
	Prior converted cropland, as determined by the Natural R	
	Non-tidal drainage or irrigation ditches excavated on dry	land. Explain rationale:
	Other (explain):	
	en e	
DATA R	REVIEWED FOR JURSIDICTIONAL DETERMINATION (1	nark all that apply):
M	Maps, plans, plots or plat submitted by or on behalf of the applic	ant.
	Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated	
	This office does not concur with the delineation report, dated	prepared by (company):
	Data sheets prepared by the Corps.	, prepared by (company).
	Corps' navigable waters' studies:	
	U.S. Geological Survey Hydrologic Atlas:	
	U.S. Geological Survey 7.5 Minute Topographic maps:	
	U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles:	
	USDA Natural Resources Conservation Service Soil Survey:	
	National wetlands inventory maps:	
	State/Local wetland inventory maps:	
	FEMA/FIRM maps (Map Name & Date):	
	100-year Floodplain Elevation is: (NGVD)	
	Aerial Photographs (Name & Date): Other photographs (Date):	
崗	Advanced Identification Wetland maps:	•
	Site visit/determination conducted on:	
	Applicable/supporting case law:	
Ø	Other information (please specify): previous COE Permit 21060 p	plans and specs

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Galveston District

FILE NUMBER: D-17777

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Trinity County Center coordinates of site (latitude/longitude):

30-52-12 / 95-13-22

Approximate size of area (parcel) reviewed, including uplands: 0.07 acres. Name of nearest waterway: Lake Livingston

Name of watershed: Trinity River

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 13 October 2005

Date(s): Site visit(s)

Jurisdictional Determination (JD):

	Preliminary JD - Based on available information, \(\square there appear to be \) (or) \(\square there appear to be no "waters of the or the there appear to be no "waters" of the or the or the there appear to be no "waters" of the or the there appear to be no "waters" of the or the order to be no "waters" of
***************************************	United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
	(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.07 acre.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
 - (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
 - (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-17777

	clear, natural line impressed on the bank oil or the presence of litter and debris fine sl	
Ø	Mean High Water Mark indicated by: ⊠ survey to available datum; □ physical markings; □ vegetation lines/cl	nanges in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and	or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7) Headquarters declined to approve jurisdiction on the basis of 33 CFR part 32 The Corps has made a case-specific determination that the following waters United States: Waste treatment systems, including treatment ponds or lagoons, purs Artificially irrigated areas, which would revert to upland if the irrigat Artificial lakes and ponds created by excavating and/or diking dry lar retain water and which are used exclusively for such purposes as stor rice growing. Artificial reflecting or swimming pools or other small ornamental bo by excavating and/or diking dry land to retain water for primarily aes Water-filled depressions created in dry land incidental to construction the purpose of obtaining fill, sand, or gravel unless and until the cons abandoned and the resulting body of water meets the definition of wa 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Co	28.3(a)(3). present on the site are not Waters of the suant to 33 CFR part 328.3. tion ceased. Ind to collect and ck watering, irrigation, settling basins, or dies of water created sthetic reasons. In activity and pits excavated in dry land for struction or excavation operation is atters of the United States found at 33 CFR
	Non-tidal drainage or irrigation ditches excavated on dry land. Expla Other (explain):	nin rationale:
	Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas:	(company):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRIC	r offi	CE: C	ESWG
FILE NU	MBER:	12643	(05)

FILE NU	MBER	: 1264	13(05)	

PRO	DJECT	LOCATION	INFORMATION:
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State:

Texas

County:

Harris

Center coordinates of site (latitude/longitude):

Lat: 29.44.54 Long: 95.09.59

Approximate size of area (parcel) reviewed, including uplands: 2 acres.

Name of nearest waterway: Houston Ship Channel

Buffalo Bayou Name of watershed:

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 12 October 2005

Date(s):

Jurisdictional Determination (JD):

	Preliminary JD - Based on available information, \(\subseteq \text{ there appear to be (or)} \) \(\subseteq there appear to be no "waters of the present the control of the contr
2000000000	United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
	(Reference 33 CFR part 331).

■ Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

[1] (iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: 12643(05)

	ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
Ø	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	is For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 17 Minute Historic quadrangles: U.S. Geological Survey 18 Minute Historic quadrangles: U.S. Geological Survey 19 Minute Historic quadrangles: U.S. Geological Survey 10 Minute Historic quadrang

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG

FIL	E NL	MBER:	14782(03)				
PRC	State Cour Cent App Nam	e: nty: er coordii roximate:	Texas Harris hates of sistee of are est waterw	te (latitude/lor a (parcel) rev ay: Houston S Buffalo Bayo	ngitude): iewed, includ Ship Channel	ding I	Lat: 29.43.06 Long: 95.14.24 g uplands: 2 acres.
JUR				RMINATIO determination (s)			Date: 12 October 2005 Date(s):
	Juri	sdictiona	l Determi	nation (JD):			
		Prelimina United S	ary JD - B tates" and	ased on availa	able informat waters of th	tion ie U	there appear to be (or) there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
	Ø		d JD – An l that appl		is an appeala	able	e action (Reference 33 CFR part 331).
		☑ There the revie	e are "nav wed area.	igable waters Approximate	of the United	d St dic	ates" (as defined by 33 CFR part 329 and associated guidance) within tional area:
		There reviewed	e are "wat l area. Ap	ers of the Uni proximate siz	ted States" (e of jurisdict	(as d	defined by 33 CFR part 328 and associated guidance) within the al area:
ţ		There	e are "isoi	ated, non-nav Decision sup Jurisdiction.	pported by S	i-sta WA	nte waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of N
BAS	Δ	Waters of	defined u	iters that are s	part 329 as subject to the	"n eb	avigable waters of the United States": b and flow of the tide and/or are presently used, or have been used in ort interstate or foreign commerce.
	B.	(1) The printerstate (2) The printerstate (3) The p	oresence of e or foreign oresence of oresence of wetlands	f waters, which commerce, finterstate waters other waters so sloughs, pra	ch are current including all aters including s such as intra airie potholes	tly wang i asta	used, or were used in the past, or may be susceptible to use in ters which are subject to the ebb and flow of the tide. Interstate wetlands ¹ . It lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply):

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands. Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.
(5) The presence of a tributary to a water identified in (1) – (4) above
(6) The presence of territorial sease

(5) The presence of a tributary to a water identified in (1) – (4) above.

make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: 14782(03)

La	ateral Extent of Jurisdiction: (Reference: 33 CFR parts	328 and 329)
		High Tide Line indicated by:
	clear, natural line impressed on the bank	oil or scum line along shore objects
	the presence of litter and debris	fine shell or debris deposits (foreshore)
	changes in the character of soil	physical markings/characteristics
	destruction of terrestrial vegetation	idal gages
	shelving	other:
	other:	
	Mean High Water Mark indicated by:	
	survey to available datum; physical markings;	Vegetation lines/changes in vegetation types
***************************************		· ·
	Wetland boundaries, as shown on the attached wetland	delineation map and/or in a delineation report prepared by:
Ba	asis For Not Asserting Jurisdiction:	
	The reviewed area consists entirely of uplands.	
		rt 328(a)(1, 2, or 4-7).
		sis of 33 CFR part 328.3(a)(3).
	The Corps has made a case-specific determination that United States:	the following waters present on the site are not Waters of the
	_	onds or lagoons, pursuant to 33 CFR part 328.3.
	Artificially irrigated areas, which would revert Artificial lakes and ponds created by excavating	to upland if the irrigation ceased.
	= points of chearaching	and/or diking dry land to collect and
	retain water and which are used exclusively for rice growing.	such purposes as stock watering, irrigation, settling basins, or
	Artificial reflecting or swimming pools or other	small ornamental bodies of water created
	by excavating and/or diking dry land to retain w	rater for primarily aesthetic reasons.
		idental to construction activity and pits excavated in dry land for
	the purpose of obtaining fill, sand, or gravel unl	ess and until the construction or excavation operation is
	328.3(a).	s the definition of waters of the United States found at 33 CFR
	Isolated, intrastate wetland with no nexus to into	erstate commerce.
	Prior converted cropland, as determined by the	Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavate	ed on dry land. Explain rationale:
	Other (explain):	
DATA I	REVIEWED FOR JURSIDICTIONAL DETERMINA	TION (mark all that apply):
\boxtimes	Maps, plans, plots or plat submitted by or on behalf of the	ne applicant.
		plicant.
	This office concurs with the delineation report, date	d , prepared by (company):
	This office does not concur with the delineation rep	ort, dated , prepared by (company):
片	Data sheets prepared by the Corps.	
	Corps' navigable waters' studies:	
	U.S. Geological Survey Hydrologic Atlas:	
X II II	U.S. Geological Survey 7.5 Minute Topographic maps:	
胃	U.S. Geological Survey 7.5 Minute Historic quadrangle: U.S. Geological Survey 15 Minute Historic quadrangles	
崮	USDA Natural Resources Conservation Service Soil Sur	·
Ħ	National wetlands inventory maps:	vey:
局	State/Local wetland inventory maps:	
Ħ	FEMA/FIRM maps (Map Name & Date):	
	100-year Floodplain Elevation is: (NGVD)	
	Aerial Photographs (Name & Date):	
	Other photographs (Date):	
	Advanced Identification Wetland maps:	
	Site visit/determination conducted on:	
	Applicable/supporting case law:	
I I	Other information (please specify):	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 23955

PROJECT LOCATIO	N INFORMATION:
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State: County:

Texas Harris

Center coordinates of site (latitude/longitude):

30.0614N; 95.6287W

Approximate size of area (parcel) reviewed, including uplands: 50 acres. Name of nearest waterway: Willow Creek

Name of watershed: Willow Creek

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 12 October 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\square\) there appear to be (or) \(\square\) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 7 acres.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

[(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: 23955

La II	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: I clear, natural line impressed on the bank I the presence of litter and debris I changes in the character of soil I destruction of terrestrial vegetation I shelving I other: High Tide Line indicated by: Oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:Other (explain):
DATA I	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Rose Hill, Texas U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Actual Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on:
	Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 23953

1.11717171	TOMBER. 257			
St Co Co A	ate: Te ounty: Ch): including	Lat: 29.41.39 Long: 94.47.19 g uplands: 1 acres.
	ompleted: De	DETERMINATION esktop determination te visit(s)		Date: 12 October 2005 Date(s):
Jı	ırisdictional De	etermination (JD):		
	Preliminary United State	ID - Based on available inf	formation s of the U	n, \(\sum \) there appear to be (or) \(\sum \) there appear to be no "waters of the Inited States" on the project site. A preliminary JD is not appealable
E	Approved JI Check all the) – An approved JD is an a at apply:	ppealable	e action (Reference 33 CFR part 331).
	There are the reviewed	e "navigable waters of the Uarea. Approximate size of	United St f jurisdic	tates" (as defined by 33 CFR part 329 and associated guidance) within tional area:
	There are	e "waters of the United Star ea. Approximate size of jur	tes" (as e	defined by 33 CFR part 328 and associated guidance) within the nal area:
	There ar	e "isolated, non-navigable, Decision supported Jurisdiction.	, <i>intra-sta</i> l by SWA	ate waters or wetlands" within the reviewed area. ANCC/Migratory Bird Rule Information Sheet for Determination of No.
A	Waters defi	e of waters that are subject	29 as "n to the eb	avigable waters of the United States": b and flow of the tide and/or are presently used, or have been used in ort interstate or foreign commerce.
	(1) The pres interstate or	sence of waters, which are of foreign commerce, including sence of interstate waters in	currently ng all wa cluding i	used, or were used in the past, or may be susceptible to use in aters which are subject to the ebb and flow of the tide. Interstate wetlands ate lakes, rivers, streams (including intermittent streams), mudflats,

destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: 23953

	Ordinary High Water Mark indicated by: I clear, natural line impressed on the bank I the presence of litter and debris Changes in the character of soil Destruction of terrestrial vegetation Shelving Ordinary High Water Mark indicated by: High Tide Line indicated by: Oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas Bas Bas Bas Bas Bas Bas Bas Bas Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA R	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 17 Minute Historic quadrangles: U.S. Geological Survey 18 Minute Historic quadrangles: U.S. Geological Survey 19 Minute Historic quadrangles: U.S. Geological Survey 10 Minute Historic quad

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: D-17789

FILE N	UMBER: D-17789	
Stat Cou Cen App Nan	e: Texas anty: Orange & Newton ater coordinates of site (latitude/longitude): are of nearest waterway: Sabine River are of watershed: Sabine River	30.2361N; 93.7064W suplands: 20 acres.
	npleted: Desktop determination Site visit(s)	Date: 13 October 2005 Date(s):
Jur ■	United States" and/or "navigable waters of the U (Reference 33 CFR part 331). Approved JD – An approved JD is an appealable Check all that apply: There are "navigable waters of the United St the reviewed area. Approximate size of jurisdiction reviewed area. Approximate size of jurisdiction." There are "isolated non-navigable intra-stee	ates" (as defined by 33 CFR part 329 and associated guidance) within tional area: 20 acres. defined by 33 CFR part 328 and associated guidance) within the all area:
BASIS (A.	Jurisdiction. OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "no	avigable waters of the United States": b and flow of the tide and/or are presently used, or have been used in

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Water body is jurisdictional; activity is non-regulated under Section 10 & 404

FILE NUMBER: D-17789

ral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
VIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): daps, plans, plots or plat submitted by or on behalf of the applicant. ata sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): ata sheets prepared by the Corps. orps' navigable waters' studies: S. Geological Survey Hydrologic Atlas: S. Geological Survey 7.5 Minute Topographic maps: S. Geological Survey 7.5 Minute Historic quadrangles: S. Geological Survey 15 Minute Historic quadrangles: SDA Natural Resources Conservation Service Soil Survey: ational wetlands inventory maps: ate/Local wetland in

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 23954

PROJE	CT I	OCATION	INFO	DRMA	TION:
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State:

Texas

County:

Chambers

Center coordinates of site (latitude/longitude):

Lat: 29.41.15 Long: 94.45.56

Approximate size of area (parcel) reviewed, including uplands: 1 acres.

Name of nearest waterway:

Name of watershed:

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 13 October 2005

Date(s): Site visit(s)

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or)} \subseteq \text{there appear to be no "waters of the preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or)} \subseteq \subseteq \text{there appear to be no "waters of the preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or)} \subseteq \subseteq \text{there appear to be no "waters of the preliminary JD - Based on available information, \(\subseteq \text{there appear to be no "waters of the preliminary JD - Based on available information, \(\subseteq \text{there appear to be no "waters of the preliminary JD - Based on available information, \(\subseteq \text{there appear to be no "waters of the preliminary JD - Based on available information, \(\subseteq \text{there appear to be no "waters of the preliminary JD - Based on available information, \(\subseteq \text{there appear to be no "waters of the preliminary JD - Based on available information of the preliminary JD - Based on available information of the preliminary JD - Based on available information of the preliminary JD - Based on available information of the preliminary JD - Based on available information of the preliminary JD - Based on available information of the preliminary JD - Based on available information of the preliminary JD - Based on available information of the preliminary JD - Based on available information of the preliminary JD - Based on available information of the preliminary JD - Based on available information of the preliminary JD - Based on available information of the preliminary JD - Based on available information of the preliminary JD - Based on available information of the preliminary JD - Based on available information of the preliminary JD - Based on available information of the preliminary JD - Based on available information of the preliminary JD - Based on available information of the preliminary JD - Based on available information of the preliminary JD - B United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: 23954

L	clear, natural line impressed on the bank oil or the presence of litter and debris fine sh	nine indicated by: scum line along shore objects sell or debris deposits (foreshore) al markings/characteristics ages
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/ch	anges in vegetation types.
E	Wetland boundaries, as shown on the attached wetland delineation map and/	or in a delineation report prepared by:
Ba	The Corps has made a case-specific determination that the following waters punited States: Waste treatment systems, including treatment ponds or lagoons, pursually Artificially irrigated areas, which would revert to upland if the irrigated Artificial lakes and ponds created by excavating and/or diking dry land retain water and which are used exclusively for such purposes as stocking growing. Artificial reflecting or swimming pools or other small ornamental body by excavating and/or diking dry land to retain water for primarily aest Water-filled depressions created in dry land incidental to construction the purpose of obtaining fill, sand, or gravel unless and until the construction the purpose of obtaining fill, sand, or gravel unless and until the const abandoned and the resulting body of water meets the definition of wat 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Con	8.3(a)(3). bresent on the site are not Waters of the lant to 33 CFR part 328.3. ion ceased. d to collect and land land land land land land land
	AREVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that Maps, plans, plots or plat submitted by or on behalf of the applicant. □ Data sheets prepared/submitted by or on behalf of the applicant. □ This office concurs with the delineation report, dated part of the prepared by the Corps. □ This office does not concur with the delineation report, dated part of the prepared by the Corps. □ Corps' navigable waters' studies: □ U.S. Geological Survey Hydrologic Atlas: □ U.S. Geological Survey 7.5 Minute Topographic maps: □ U.S. Geological Survey 15 Minute Historic quadrangles: □ U.S. Ge	apply):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Galveson District FILE NUMBER: SWG-05-06-009

PROJECT LOCATION	INFORMATION:
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State:

Texas

County:

Chambers

29-47-30W / 94-51-13N

Center coordinates of site (latitude/longitude): Approximate size of area (parcel) reviewed, including uplands: 25,000 acres.

Name of nearest waterway: Trinity Bay Name of watershed:

Upper Galveston Bay

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: October 13, 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, ___ there appear to be (or) ___ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 40 sq miles.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: SWG-05-06-009

L:	ateral Extent of Jurisdiction: (Reference: 33 CFR parts 3 Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	28 and 329) High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	 Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; 	vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland	delineation map and/or in a delineation report prepared by:
Ba	United States: Waste treatment systems, including treatment po Artificially irrigated areas, which would revert to Artificial lakes and ponds created by excavating retain water and which are used exclusively for s rice growing. Artificial reflecting or swimming pools or other s by excavating and/or diking dry land to retain wa Water-filled depressions created in dry land incid the purpose of obtaining fill, sand, or gravel unlet abandoned and the resulting body of water meets 328.3(a). Isolated, intrastate wetland with no nexus to inter Prior converted cropland, as determined by the N	is of 33 CFR part 328.3(a)(3). The following waters present on the site are not Waters of the site and sor lagoons, pursuant to 33 CFR part 328.3. The upland if the irrigation ceased. The part 328.3 and/or diking dry land to collect and such purposes as stock watering, irrigation, settling basins, or small ornamental bodies of water created ter for primarily aesthetic reasons. The part of the unit of the unit of the definition of waters of the United States found at 33 CFR state commerce. The part 328.3 are not waters of the United States found at 33 CFR state commerce. The part 328.3 are not waters of the United States found at 33 CFR state commerce.
	Non-tidal drainage or irrigation ditches excavated Other (explain):	on dry land. Explain rationale:
	Maps, plans, plots or plat submitted by or on behalf of the Data sheets prepared/submitted by or on behalf of the app This office concurs with the delineation report, dated This office does not concur with the delineation report Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles:	applicant. licant. , prepared by (company): t, dated , prepared by (company):
	USDA Natural Resources Conservation Service Soil Surv. National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):	;y:

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Galveston District

FILE NUMBER: 10747(03)

PROJECT LOCATION INFORMATION:

State: Texas County: Harris

Center coordinates of site (latitude/longitude): 29-43-30 / 95-16-5

Approximate size of area (parcel) reviewed, including uplands: 0.6 acres.

Name of nearest waterway: Houston Ship Channel

Name of watershed: Buffalo Bayou

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

X

Date: 10-14-05

Date(s):

Jurisdictional Determination (JD):

Ш	Preliminary JD - Based on available information, \(\subseteq \text{ there appear to be (or)} \subseteq \text{ there appear to be no "waters of the preliminary JD - Based on available information, \(\subseteq \text{ there appear to be (or)} \subseteq \text{ there appear to be no "waters of the preliminary JD - Based on available information, \(\subseteq \text{ there appear to be (or)} \)
	United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
	(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.6 acres.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for I

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

La	teral Extent of Jurisdiction: (Peferona, 22 CFR and 200 1000)
5	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics destruction of terrestrial vegetation shelving other:
m	Mean High Water Mark indicated by:
	survey to available datum; physical markings; vegetation lines/changes in vegetation types.
******	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	is For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
	Other (explain):
	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated prepared by (company): This office does not concur with the delineation report, dated prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: J.S. Geological Survey Hydrologic Atlas: J.S. Geological Survey 7.5 Minute Topographic maps: J.S. Geological Survey 7.5 Minute Historic quadrangles: J.S. Geological Survey 15 Minute Historic quadrangles: J.S. Geological Survey 15 Minute Historic quadrangles: J.S. Geological Survey 15 Minute Historic quadrangles: J.S. Geological Survey 16 Minute Historic quadrangles: J.S. Geological Survey 17 Minute Historic quadrangles: J.S. Geological Survey 18 Minute Historic quadrangles: J.S. Geological Survey 19 Minute Historic quadrangles: J.S. Geological Survey 19 Minute Historic quadrangles: J.S. Geological Survey 10 Minute Historic quadrangles: J.S. Ge

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 23960

PRO	JECT	LOCA	TION	INFORM	ATION.

State:

Texas Polk

County:

Center coordinates of site (latitude/longitude):

Lat: 30.48.01 Long: 95.05.40

Approximate size of area (parcel) reviewed, including uplands: 1 acres.

Name of nearest waterway: Lake Livingston Trinity River

Name of watershed:

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 14 October 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the
United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
- (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: 23960

Lateral I	Extent of Jurisdiction: (Reference: 33 CFR partinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	### s 328 and 329) High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
Mear S	n High Water Mark indicated by: survey to available datum; physical markings	; vegetation lines/changes in vegetation types.
Wetl	land boundaries, as shown on the attached wetlar	nd delineation map and/or in a delineation report prepared by:
The r Unab Head The (Waste treatment systems, including treatment Artificially irrigated areas, which would rever Artificial lakes and ponds created by excavatin retain water and which are used exclusively for rice growing. Artificial reflecting or swimming pools or other by excavating and/or diking dry land to retain Water-filled depressions created in dry land in the purpose of obtaining fill, sand, or gravel unabandoned and the resulting body of water me 328.3(a). Isolated, intrastate wetland with no nexus to in Prior converted cropland, as determined by the	poasis of 33 CFR part 328.3(a)(3). In the following waters present on the site are not Waters of the ponds or lagoons, pursuant to 33 CFR part 328.3. It to upland if the irrigation ceased. In an and/or diking dry land to collect and or such purposes as stock watering, irrigation, settling basins, or er small ornamental bodies of water created water for primarily aesthetic reasons. Cidental to construction activity and pits excavated in dry land for alless and until the construction or excavation operation is ets the definition of waters of the United States found at 33 CFR terstate commerce. E Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excava Other (explain):	ted on dry land. Explain rationale:
Maps, Data s Data s Corps' U.S. G U.S. G U.S. G USDA Nation State/L FEMA 100-ye Aerial Other p Advance Site vis Applica	WED FOR JURSIDICTIONAL DETERMINA, plans, plots or plat submitted by or on behalf of sheets prepared/submitted by or on behalf of the achies office concurs with the delineation report, darkies office does not concur with the delineation resheets prepared by the Corps. 'navigable waters' studies: Geological Survey Hydrologic Atlas: Geological Survey 7.5 Minute Topographic maps Geological Survey 15 Minute Historic quadrangle and Natural Resources Conservation Service Soil Sunal wetlands inventory maps: Local wetland inventory maps: Local delineation (Map Name & Date): Photographs (Name & Date): photographs (Date): ced Identification Wetland maps: sit/determination conducted on: sable/supporting case law: information (please specify):	the applicant. applicant. ted , prepared by (company): port, dated , prepared by (company): Conalaska es: s:

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-17457 PROJECT LOCATION INFORMATION: State: Texas County: Harris County Center coordinates of site (latitude/longitude): 29° 50′ 47″N, 95° 27′ 10″W (NAD27) Approximate size of area (parcel) reviewed, including uplands: 1.2 acres. Name of nearest waterway: White Oak Bayou Name of watershed: Buffalo-San Jacinto JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: 14 October 2005 Site visit(s) Date(s): Jurisdictional Determination (JD): Preliminary JD - Based on available information, \(\square\) there appear to be (or) \(\square\) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) - (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-17457

La	Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving ordinary High Water Mark indicated by: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba E	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated, prepared by (company): This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: 1995 Houston Heights U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 1999 Houston Heights State/Local wetlands inventory maps: 1999 Houston Heights State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Harris County, Texas Panel 655 of 1135 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1995 Houston Heights DOQQ Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG-PE-RC

FILE	NUMBER: D-17453
Si C C A N	ECT LOCATION INFORMATION: tate: Texas ounty: Harris County enter coordinates of site (latitude/longitude): 29° 43′ 00″N, 95° 39′ 02″W (NAD27) pproximate size of area (parcel) reviewed, including uplands: acres. ame of nearest waterway: Brays Bayou ame of watershed: Buffalo-San Jacinto
	SDICTIONAL DETERMINATION completed: Desktop determination Site visit(s) Date: 13 October 2005 Date(s):
Ju	risdictional Determination (JD):
	**
X	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.1 acre
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
BASIS	OF JURISDICTIONAL DETERMINATION:
	Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
В.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
	(2) The presence of interstate waters including interstate wetlands ¹ .
	(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
	 (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce.
ä	(4) Impoundments of waters otherwise defined as waters of the US.
ä	 (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas.
	(7) The presence of wetlands adjacent ² to other waters of the US, except for those wetlands adjacent to other wetlands.
Ra	tionale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional
wai	ter or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable ters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection
77.41	νινι τι κιτί νι κίσι το κόσα μο της ομαίο θι σμειομισμού προμπορή πουισσορίτου σποροσταίο σομμόνος σομμόσειομ

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Brays Bayou is a tributary of the Houston Ship Channel, a navigable water of the United States.

2 FILE NUMBER: D-17453 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. П Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for П the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated _ _, prepared by (company): ☐ This office does not concur with the delineation report, dated ____, prepared by (company); Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: 1995 Clodine U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: 1976 Harris County National wetlands inventory maps: 1999 Clodine State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Harris County, Texas Panel 810 of 1135 100-year Floodplain Elevation is: (NGVD)

Aerial Photographs (Name & Date): 1995 Clodine DOQQ

Other photographs (Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

FILE N PROJE Sta Co Ce Ap Na	ICT OFFICE: CESWG IUMBER: D-17654 ICT LOCATION INFORMATION: Ite: Texas unty: Jefferson Inter coordinates of site (latitude/longitude): Site 30° 07' 08"N, 94° 06' 29"W proximate size of area (parcel) reviewed, including uplands: _Unknown me of nearest waterway: Brake's Bayou me of watershed: Lower Neches River
	DICTIONAL DETERMINATION mpleted: Desktop determination
Jui	risdictional Determination (JD):
	Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
Ø	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
BASIS (OF JURISDICTIONAL DETERMINATION:
A.	Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
B.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands.
	(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
	(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
	(iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US.
X	(5) The presence of a tributary to a water identified in (1) – (4) above.
	 (6) The presence of territorial seas. (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.
	(1) The processes of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Only the tidal portion of the outfall would be jurisdictional, since it is part of the surface drainage of Brake's Bayou a tidal, navigable water of the United States that flows into the Neches River.

		2	
FILE N	NUMBER: D-17654		
Lateral	Extent of Jurisdiction: (Reference: 33 (Ordinary High Water Mark indicated by clear, natural line impressed on the the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	y: bank	High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physi	cal markings; vegeta	ation lines/changes in vegetation types.
	Wetland boundaries, as shown on the at	ached wetland delineati	on map and/or in a delineation report prepared by:
	Waste treatment systems, includi Artificially irrigated areas, which Artificial lakes and ponds created retain water and which are used e rice growing. Artificial reflecting or swimming by excavating and/or diking dry l Water-filled depressions created the purpose of obtaining fill, sand abandoned and the resulting body 328.3(a). Isolated, intrastate wetland with n	s in 33 CFR part 328(a)(ction on the basis of 33 rmination that the following treatment ponds or lawould revert to upland by excavating and/or dexclusively for such purpools or other small or pand to retain water for pand to retain water for panding land incidental to the comment of water meets the definition of many land interests and up of water meets the definition of the comment of the Natural Romann of the comment of the com	CFR part 328.3(a)(3). wing waters present on the site are not Waters of the agoons, pursuant to 33 CFR part 328.3. if the irrigation ceased. iking dry land to collect and coses as stock watering, irrigation, settling basins, or namental bodies of water created rimarily aesthetic reasons. construction activity and pits excavated in dry land for ntil the construction or excavation operation is nition of waters of the United States found at 33 CFR mmerce.
	EVIEWED FOR JURSIDICTIONAL I Maps, plans, plots or plat submitted by or Data sheets prepared/submitted by or on b This office concurs with the delineati This office does not concur with the c Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topog U.S. Geological Survey 7.5 Minute Histori U.S. Geological Survey 15 Minute Histori U.S. Geological Survey 15 Minute Histori U.S.DA Natural Resources Conservation So National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: Aerial Photographs (Name & Date): 2001 Other photographs (Date): Site photos of p Advanced Identification Wetland maps: Site visit/determination conducted on:	on behalf of the applicant ehalf of the applicant. on report, datedelineation report, dated elineation report, dated raphic maps: Beaumonic quadrangles: 1942 Becquadrangles: 1921 Becquadrangle	nt, prepared by (company):, prepared by (company): t East, Texas caumont aumont erson County Soil Survey

Applicable/supporting case law:

Other information (please specify): Applicant's information

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG-PE-RC

FILE N	UMBER: I-5066
Sta Co Ce Ap Na	CT LOCATION INFORMATION: te: Texas unty: Harris County nter coordinates of site (latitude/longitude): 29° 48' 46"N, 95° 04' 00"W (NAD27) proximate size of area (parcel) reviewed, including uplands: _0.5_ acres. me of nearest waterway: San Jacinto River me of watershed: Buffalo-San Jacinto
	DICTIONAL DETERMINATION mpleted: Desktop determination
Jui	risdictional Determination (JD):
	Preliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
Ø	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:0.05 acre
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:0.05 acre
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
	OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
B. ※	Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (iii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The project site is located on the San Jacinto River, a navigable water of the United States.

_		FILE NUMBER: 1-5066
La	teral Extent of Jurisdiction: (Reference: 33 CFR parts	328 and 329)
	Water Wark Marcatca by.	High Tide Line indicated by:
	clear, natural line impressed on the bank	oil or scum line along shore objects
	the presence of litter and debris	fine shell or debris deposits (foreshore)
	changes in the character of soil	physical markings/characteristics
	destruction of terrestrial vegetation	tidal gages
	shelving	other:
	other:	
	Mean High Water Mark indicated by:	57
	survey to available datum; physical markings;	∑ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland	delineation map and/or in a delineation report prepared by:
Bas	sis For Not Asserting Jurisdiction:	
	The reviewed area consists entirely of uplands.	
	Unable to confirm the presence of waters in 33 CFR pa	rt 378(a)(1 2 or 4.7)
	Headquarters declined to approve jurisdiction on the ba	sis of 33 CEP nort 228 2(a)(2)
	The Corps has made a case-specific determination that	the following waters present on the site are not Waters of the
	United States:	the following waters present on the site are not waters of the
	Waste treatment systems, including treatment po	onds or lagoons, pursuant to 33 CEP part 328 2
	Light Additionally impated areas, which would revert t	o upland if the irrigation ceased
	Artificial lakes and ponds created by excavating	and/or diking dry land to collect and
	retain water and which are used exclusively for	such purposes as stock watering, irrigation, settling basins, or
	rice growing.	
	Artificial reflecting or swimming pools or other	small ornamental bodies of water created
	by excavating and/or diking dry land to retain w	ater for primarily aesthetic reasons
	water-filled depressions created in dry land inci	dental to construction activity and nits excavated in day land for
	the purpose of obtaining fill, sand, or gravel unle	ess and until the construction or excavation operation is
	abandoned and the resulting body of water meet	s the definition of waters of the United States found at 33 CFR
	326.3(a).	
	Isolated, intrastate wetland with no nexus to inte	rstate commerce.
	Prior converted cropland, as determined by the N	Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavate	d on dry land. Explain rationale:
	Other (explain):	•
DATA R	EVIEWED FOR JURSIDICTIONAL DETERMINA	TION (mark all that apply):
	maps, plans, plots or plat submitted by or on behalf of the	e applicant
	Data sheets prepared/submitted by or on behalf of the ap	plicant.
	This office concurs with the delineation report, dated	d, prepared by (company):
	This office does not concur with the delineation reportate sheets prepared by the Corps.	ort, dated, prepared by (company):
図	Corps' navigable waters' studies:	
	U.S. Geological Survey Hydrologic Atlas:	
茵	U.S. Geological Survey 7.5 Minute Tengament is many to	005 11. 11 1 1 1
i i	U.S. Geological Survey 7.5 Minute Topographic maps: 1 U.S. Geological Survey 7.5 Minute Historic quadrangles	993 Highlands quadrangle
Fig.	U.S. Geological Survey 15 Minute Historic quadrangles:	
	USDA Natural Resources Conservation Service Soil Sur	uore.
	National wetlands inventory maps:	vey.
	State/Local wetland inventory maps:	
	FEMA/FIRM maps (Map Name & Date):	
	100-year Floodplain Elevation is: (NGVD)	
	Aerial Photographs (Name & Date):	
	Other photographs (Date):	
	Advanced Identification Wetland mans:	
	Site visit/determination conducted on:	
	Applicable/supporting case law:	
	Other information (please specific)	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

	ICT OFF		CESWG								
	UMBER:		D-17537								
			NFORMATIO	N:							
	ite: unty:	Texas	C								
	-		mery County								
Ce	nter coordi	nates of s	ite (latitude/lon	gitude):		Site 1	30° 23	' 18"N,	95° 4	2' 14"W	
						Site 2	30° 23	' 18"N,	95° 4	2' 44"W	
						Site 3	30° 23	' 57"N,	95° 4	1' 57"W	
Ap	proximate	size of ar	ea (parcel) revie	ewed, in	cluding	g uplands:	_N/A				
Na Na	me of wate	est waterv	way: Town Cre est Fork San Jac	ek							
1144	ine of wate	islicu. W c	st Fork San Jac	zinto Ki	ver						
JURISI	DICTION	AL DETE	ERMINATION	1							
Co	mpleted:	Desktop	determination	` <u> </u>	a	Date:	10/12/0	15			
		Site visit		F	we.	Date(s):	10/12/0	.5			
			(-)	****		Duic(s).					
Jui	isdictiona	l Determi	ination (JD):								
	Prelimina	arv JD - B	ased on availab	ole infon	mation	T there	annaar to l	ha (or) 🗖	46		o "waters of the
********	United S	tates" and	or "navigable"	waters o	f the U	nited State	es" on the r	roject site	inere ap	minary ID	is not appealable
	(Reference	ce 33 CFF	R part 331).			mile Diale	on the p	roject sitt	. A picii	illilai y 310	is not appearable
K***											
\boxtimes	Approved	l JD – An	approved JD is	an appo	ealable	action (Re	eference 33	CFR par	t 331).		
	Check all	that appl	y:								
	Thora	ara "nov	igabla watana ali	CAL - TT:	:4-1 C4-		~ 11 a				
	the review	ure navi ved area	Approximate s	ine Uni	ited Sta	ites" (as de	fined by 3	3 CFR pa	rt 329 and	d associated	guidance) within
		rea area.	ripproximate s	12C 01 Ju	ii isaicii	Oliai alea.					
	X There	are "wate	ers of the United	d States'	" (as d	efined by 3	33 CFR par	t 328 and	l associate	d guidance) within the
	reviewed	area. App	proximate size	of jurisđ	lictiona	l area:	unknown	vozo una		o guidance) within the

	☐ There	are "isol	ated, non-navig	able, ini	tra-stat	e waters o	r wetlands'	' within th	ne review	ed area.	
			Jurisdiction.	orted by	SWAN	NCC/Migra	atory Bird	Rule Info	rmation S	heet for De	termination of No
			Jurisdiction.								
BASIS (F JURIS	DICTION	NAL DETERM	IINATI	ON·						
A.	Waters d	efined un	der 33 CFR pa	art 329	as "nav	vigable wa	iters of the	United 9	States".		
	The presen	nce of war	ters that are sub	ject to the	he ebb	and flow o	of the tide a	nd/or are	presently	used, or ha	we been used in
	the past, c	r may be	susceptible for	use to tr	anspor	t interstate	or foreign	commerc	e.	2004, 01 114	o occin asca in
ъ	13 7-4 1	~ ·									
В.	(1) The pr	eiined un	der 33 CFR pa	ırt 328.3	3(a) as	"waters o	f the Unite	ed States'	":		
	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are sufficient and the past, or may be susceptible to use in										
	interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands ¹ .										
	(2) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats,										
	sandifials, wellands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or										
	destruction of which could affect interstate commerce including any such waters (check all that apply)										
	□ (ı) wr	iich are oi	r could be used	by inters	state or	foreign tra	avelers for	recreation	nal or oth	er nurnoses	•
	☐ (11) Ir	om which	tish or shellfish	h are or	could b	oe taken an	d sold in ir	iterstate o	r foreign	commerce	
m	(4) Impou	nich are (or could be used	1 for ind	ustrial	purposes b	y industrie	s in inter	state com	merce.	
Ħ	(5) The pro	esence of	of waters otherw a tributary to a	vater id	ned as	waters of t	ne US.				
ă	(6) The pro	esence of	territorial seas.	water iu	cminie(ı ın (1) – (4) above.				
	(7) The pro	esence of	wetlands adjace	ent ² to of	ther wa	ters of the	US, excen	t for those	e wetland	s adjacent to	o other wetlands.
	-		,			31 110	se, encop	- 101 111031	- monanu	o aujacent ti	o dater wettailes.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Town Creek and it's tributaries eventually flow into the San Jacinto River, a navigable water of the United States.

FILE N	UMBER:	D-17537		
Lateral	Ordinary High Wa clear, natural the presence changes in th	tion: (Reference: 33 CFR parts 328 a ater Mark indicated by: I line impressed on the bank of litter and debris the character of soil of terrestrial vegetation	High Tide Li oil or so fine she	cum line along shore objects ell or debris deposits (foreshore) l markings/characteristics
	Mean High Water I ☐ survey to availa	Mark indicated by: able datum;	☐ vegetation lines/cha	inges in vegetation types.
	Wetland boundarie	s, as shown on the attached wetland	delineation map and/o	r in a delineation report prepared by:
	Unable to confirm to Headquarters declir The Corps has mad United States: Waste treatman Artificially Artificial laid retain water rice growing Artificial retain water rice growing Water-filled the purpose abandoned a	consists entirely of uplands. the presence of waters in 33 CFR paned to approve jurisdiction on the bale a case-specific determination that ment systems, including treatment prirrigated areas, which would revert tkes and ponds created by excavating and which are used exclusively for guidential of swimming pools or other ng and/or diking dry land to retain will depressions created in dry land incit of obtaining fill, sand, or gravel unless	sis of 33 CFR part 328 the following waters parts or lagoons, pursue to upland if the irrigation and/or diking dry land such purposes as stock small ornamental bodicater for primarily aesthedental to construction are said until the construction are said until the construction.	ant to 33 CFR part 328.3. on ceased. d to collect and watering, irrigation, settling basins, or les of water created lettic reasons. activity and pits excavated in dry land for
	Isolated, into	rastate wetland with no nexus to inte rted cropland, as determined by the N rainage or irrigation ditches excavate	rstate commerce. Iatural Resources Con	servation Service. Explain rationale
I I I I I I I I I I I I I I I I I I I	Maps, plans, plots of Data sheets prepared This office cond This office does Data sheets prepared Corps' navigable way. J.S. Geological Sur. J.S. Geological	aters' studies: vey Hydrologic Atlas: vey 7.5 Minute Topographic maps: vey 7.5 Minute Historic quadrangles vey 15 Minute Historic quadrangles: vey 15 Minute Historic quadrangles: verces Conservation Service Soil Surventory maps: inventory maps: (Map Name & Date): Elevation is: (Name & Date): Date): tion Wetland maps: ion conducted on:	e applicant. I, prepared ort, dated, 1 Montgomery, Texas vey:	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-17661

PROJECT LOCATION INFORMATION	P	R	n	JE	CT	۱,	O	CA	T	ı	N	IN	JE	\cap	RM	ATI	OΝ	J.
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State:

Texas Harris

County:

Center coordinates of site (latitude/longitude):

29 33'11"N 95 09'30"

Approximate size of area (parcel) reviewed, including uplands: 2.28 acres. Name of nearest waterway: Clear Creek

Name of watershed:

Clear Creek

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 28 September 2005

Site visit(s)

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. П

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D -1766/

Ιo	aval Extent of Invisdiction (Defense 22 CED
	Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation Table No. 129 High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics
	destruction of terrestrial vegetation
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas III	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Friendswood
	U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Harris County 20 April 2000 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): Department of the Army Permit 21714

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-17304

PROJECT LOCATION INFORMATION	PRO	JECT	LOCA	TION	INFO	RMA	TION
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State: Louisiana County: Vernon Parish

Center coordinates of site (latitude/longitude): 31 06'46"N 93 25'38" Approximate size of area (parcel) reviewed, including uplands: acres.

Name of nearest waterway: Caney & Forker Creeks

Name of watershed: Sabine River

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date: 28 September 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\subseteq \text{ there appear to be (or)} \subseteq there appear to be no "waters of the the there a
United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in
interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide
(a) The

(2) The presence of interstate waters including interstate wetlands.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Caney and Foster Creeks ultimately flow into the Sabine River which, downstream, is subject to the ebb and flow of the daily tide and is navigable

FILE NUMBER: D-17304

La	Cordinary High Water Mark indicated by: Clear, natural line impressed on the bank Clear, natural line indicated by: Clear, natural line indicated
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
8	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba Marie Marie Ma	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA I	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated prepared by (company): This office does not concur with the delineation report, dated prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: 1967 Burr Ferry U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic soli Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT	OFFICE:	CESWG-PE-	RC
DISTILL	OI I ICE.	CEO M O-1 E-	-110

FILE NUMBER: D-17339

	PROJEC'	ГΙ	OCA	TION	INFOR	MATION:
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State:

Texas

County: Harris

Center coordinates of site (latitude/longitude):

29 47'28"N 95 02'37"

Approximate size of area (parcel) reviewed, including uplands:

acres.

Name of nearest waterway: Spring Gully Name of watershed: Spring Gully

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 4 October 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or) } \subseteq \text{there appear to be no "waters of the preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or) } \subseteq \subseteq \text{there appear to be no "waters of the preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or) } \subseteq \subseteq \text{there appear to be no "waters of the preliminary JD - Based on available information, \(\subseteq \text{there appear to be no "waters of the preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or) } \subseteq \) United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

- (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- [(iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
 - (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-17339

La	Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: Gillow Fillow High Tide Line indicated by: Oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
3 2	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
2	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA I	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: 1995 Highlands U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Highlands inventory maps: 1999 Highlands State/Local wetlands inventory maps: 1999 Highlands State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Harris County Q3 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1995 Highlands DOQQ Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-17298

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State: Texas County: Orange

Center coordinates of site (latitude/longitude):

30° 05' 35"N, 93° 44' 12"W

Approximate size of area (parcel) reviewed, including uplands:

acres.

Name of nearest waterway: Sabine River Name of watershed: Sabine River

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

※

Date: 4 October 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the
United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands¹.
- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-17298

La	Cordinary High Water Mark indicated by: Clear, natural line impressed on the bank Clear, natural line indicated by: Clear, natural
53	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
22	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba M	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA 國際 國際 國際 國際 國際 國際 國際 國際 國際 國際	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: 1995 Orange U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. A Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

	NUMBER: D-17378 (Site 1)
St Co Co Aj Na	ECT LOCATION INFORMATION: ate: Texas bunty: Harris County enter coordinates of site (latitude/longitude): 29° 46′ 56″N, 95° 59′ 07″W (NAD27) approximate size of area (parcel) reviewed, including uplands: acres. ame of nearest waterway: Goose Creek ame of watershed: North Galveston Bay
	DICTIONAL DETERMINATION Desktop determination Site visit(s) Date: 06 October 2005 Date(s):
Ju	risdictional Determination (JD):
	Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
×	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
BASIS A.	OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
B	Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.
Dot	Completion 41 - Th. 1 - C.Y 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

2 FILE NUMBER: D-17378 (Site 1) Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Basis For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated ___, prepared by (company): This office does not concur with the delineation report, dated ____, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: 1994 Mont Belvieu U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: 1998 Mont Belvieu State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Harris County, Texas Panel 765 of 1135 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1995 Mont Belvieu DOQQ Other photographs (Date): Advanced Identification Wetland maps:

Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

	ICT OFFICE: CESWG-PE-RC NUMBER: D-17378 (Site 2)
Sta Co Ce Ap Na	CCT LOCATION INFORMATION: ate: Texas bunty: Harris County nter coordinates of site (latitude/longitude): 29° 55' 43"N, 95° 23' 00"W (NAD27) approximate size of area (parcel) reviewed, including uplands: 0.1 acres. me of nearest waterway: Greens Bayou me of watershed: Buffalo-San Jacinto
	DICTIONAL DETERMINATION mpleted: Desktop determination Date: 06 October 2005 Site visit(s) Date(s):
Ju	risdictional Determination (JD):
Ø	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
BASIS (OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
B.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of other waters including interstate wetlands.
	(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce.
	 (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

τ.	4. IT ((CY) N () (D)	FILE NUMBER: D-17378 (Site 2)
La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving	8 and 329) High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	☐ other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐	vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland de	lineation map and/or in a delineation report prepared by:
Bas	Artificial reflecting or swimming pools or other sm by excavating and/or diking dry land to retain water Water-filled depressions created in dry land incider the purpose of obtaining fill, sand, or gravel unless abandoned and the resulting body of water meets the 328.3(a). Isolated, intrastate wetland with no nexus to interstate	of 33 CFR part 328.3(a)(3). following waters present on the site are not Waters of the ls or lagoons, pursuant to 33 CFR part 328.3. pland if the irrigation ceased. d/or diking dry land to collect and h purposes as stock watering, irrigation, settling basins, or all ornamental bodies of water created r for primarily aesthetic reasons. Ital to construction activity and pits excavated in dry land for and until the construction or excavation operation is the definition of waters of the United States found at 33 CFR ate commerce. Later Commerce Conservation Service Explain rationales
	EVIEWED FOR JURSIDICTIONAL DETERMINATION Maps, plans, plots or plat submitted by or on behalf of the applicate sheets prepared/submitted by or on behalf of the application of the concurs with the delineation report, dated this office does not concur with the delineation report, Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: 1999 U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Applicable wetland inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Harris County, Telloo-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1995 Aldine DOQQ Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):	pplicant. cant, prepared by (company): dated, prepared by (company): 5 Aldine

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG DE DC

FILE	NUMBER: D-17755							
St Co Ce Ap Na	ate: Texas punty: Harris County enter coordinates of site (latitude/longitude): 29° 46′ 20"N, 95° 20′ 37"W (NAD27) exproximate size of area (parcel) reviewed, including uplands: 0.65 acres. enter of nearest waterway: Buffalo Bayou enter of watershed: Buffalo-San Jacinto							
JURIS Co	DICTIONAL DETERMINATION ompleted: Desktop determination							
Ju	risdictional Determination (JD):							
Ø	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:							
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:							
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:							
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.							
BASIS (OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.							
В. Ш	Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):							
	(i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent ² to other waters of the US, except for those wetlands adjacent to other wetlands.							

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-17755 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Basis For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. \Box Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated __, prepared by (company): This office does not concur with the delineation report, dated ______, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: 1995 Settegast quadrangle U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: Settegast, 1999 State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Harris County, Texas. Map 690 of 1135 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Settegast, 1995 DOQQ Other photographs (Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG-PE-RC

FILE	NUMBER: D-17033							
St C C A _j N:	ate: Texas bunty: Harris County enter coordinates of site (latitude/longitude): 29° 53' 49"N, 95° 31' 39"W (NAD27) exproximate size of area (parcel) reviewed, including uplands: 1.0 acres. ame of nearest waterway: Rolling Fork Creek ame of watershed: Buffalo-San Jacinto							
JURIS Co	DICTIONAL DETERMINATION Desktop determination Date: 05 October 2005 Site visit(s) Date(s):							
Ju	risdictional Determination (JD):							
Ø	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:							
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:							
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:							
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.							
BASIS (OF JURISDICTIONAL DETERMINATION:							
Α.	Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.							
В. <u>М</u>	Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands.							
633	(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.							
	(4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent ² to other waters of the US, except for those wetlands adjacent to other wetlands.							

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The wetlands within the park are located within the 100-year floodplain of Rolling Fork Creek, a tributary of Whiteoak Bayou. Whiteoak Bayou is a tributary of Buffalo Bayou, which is a navigable water of the United States.

	Ordi	Extent of Jurisdiction: (Reference: 3: nary High Water Mark indicated by: clear, natural line impressed on the b the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Water Mark indicated by: urvey to available datum; physical and hour decime at the content of th	ank I markings; □ vegeta	High Tide L oil or s fine sh physica tidal ga other:	anges in vegetation types.	
1.	ne wenai	and boundaries, as shown on the attac nd areas were not delineated. The req We do not concur and any wetland ar	uest was for our conc	urrence that t	the wetland areas located within the	: park
B	The re Unable Headon The C	Not Asserting Jurisdiction: eviewed area consists entirely of uplate to confirm the presence of waters in quarters declined to approve jurisdicticorps has made a case-specific determed of States: Waste treatment systems, including Artificially irrigated areas, which wa Artificial lakes and ponds created by retain water and which are used exercice growing. Artificial reflecting or swimming poby excavating and/or diking dry land Water-filled depressions created in the purpose of obtaining fill, sand, of abandoned and the resulting body of 328.3(a). Isolated, intrastate wetland with not Prior converted cropland, as determing Non-tidal drainage or irrigation ditcled Other (explain):	a 33 CFR part 328(a)(on on the basis of 33 cination that the follow treatment ponds or la ould revert to upland y excavating and/or di- lusively for such purp ools or other small orn d to retain water for pidry land incidental to or gravel unless and urf water meets the definance of the same	CFR part 328 ving waters p goons, pursu if the irrigation king dry land oses as stock amental bodi rimarily aestl construction atil the construction of water merce.	ant to 33 CFR part 328.3. on ceased. d to collect and c watering, irrigation, settling basins, ies of water created hetic reasons. activity and pits excavated in dry lan ruction or excavation operation is ers of the United States found at 33 (or nd for CFR
DATA NO STATE OF THE PROPERTY	Data sl Th Data sl Corps' U.S. G U.S. G U.S. G U.S. G USDA Nationa State/L FEMA/ 100-yea Aerial H Other p Advanc Site visi Applica	plans, plots or plat submitted by or or neets prepared/submitted by or on heets office concurs with the delineation his office does not concur with the delineets prepared by the Corps. navigable waters' studies: eological Survey Hydrologic Atlas: eological Survey 7.5 Minute Topograeological Survey 15 Minute Historic cological Survey 15 Minute Historic colog	n behalf of the applica lalf of the applicant. report, datedineation report, dated ineation report, dated phic maps: 1995 Satsi quadrangles: quadrangles: rice Soil Survey: Harr suma	nt, prepare, ima is County, 19	ed by (company): prepared by (company):	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.